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Citation for published version:

Hayward, T 2008, 'On the Nature of Our Debt to the Global Poor', *Journal of Social Philosophy*, vol. 39, no. 1, pp. 1-19. <https://doi.org/10.1111/j.1467-9833.2007.00408.x>

Digital Object Identifier (DOI):

[10.1111/j.1467-9833.2007.00408.x](https://doi.org/10.1111/j.1467-9833.2007.00408.x)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

Journal of Social Philosophy

Publisher Rights Statement:

© Hayward, T. (2008). On the Nature of Our Debt to the Global Poor. *Journal of Social Philosophy*, 39(1), 1-19. [10.1111/j.1467-9833.2007.00408.x](https://doi.org/10.1111/j.1467-9833.2007.00408.x)

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ON THE NATURE OF OUR DEBT TO THE GLOBAL POOR

Abstract

Thomas Pogge's work on the question of what we, the affluent, owe to the global poor has attracted considerable attention. A recurrent criticism is of his attempt to portray the duties of the affluent in relation to the global poor as *negative* ones. In response, Pogge has developed sophisticated lines of defence; yet, as I start by showing, these seem unlikely to hold. A reason there has been protracted dispute about whether Pogge's core duty is positive or negative is, I suggest, that there is insufficient clarity as to what the duty substantively consists in. Pogge's core idea, or so I shall maintain, is that the rich are *in debt* to the poor. To put it this way is to give the core duty a simple clarity. The most appropriate way to conceive this debt, I shall argue, is as an *ecological debt*. This is an unusual conception for political theorists, but I show how it can actually be of great assistance in firming up the conceptual framework of Pogge's engaged project in political theory. Ecological debt, I argue, is not just a special issue or set of special issues, but is in fact the very essence of the question of global justice. It captures just the issues Pogge seeks to capture, as well as more besides, and allows the debate to be settled about whether the core duty Pogge describes is 'positive' or 'negative'. Ecological debt can in fact be construed to entail a negative duty - a simple and clear one.

ON THE NATURE OF OUR DEBT TO THE GLOBAL POOR

Thomas Pogge's work on the question of what we, the affluent, owe to the global poor has forged an agenda for political theorists that has deservedly attracted considerable attention - some of it, of course, critical. The present paper picks up on one of the recurrent lines of criticism. This is the issue of why Pogge takes such pains to portray the duties of the affluent in relation to the global poor as *negative* ones. Many commentators doubt this is an accurate characterisation of the duties he describes. In response to their criticisms, Pogge has developed ever more sophisticated lines of defence, yet, as I show in the opening sections, it is doubtful these can hold against the main onslaught on them.

Pogge is concerned to couch his argument in terms of negative duty because this is widely considered a more stringent form of imperative than a positive duty of assistance, particularly on the understanding of the (libertarian) opponents whose moral conclusions he wishes to challenge on the basis of their own premises. However, unless we have a sufficiently clear idea of exactly which substantive duties ought to be performed and why, the question of their stringency cannot meaningfully arise, I think, and certainly cannot be settled. A reason there has been such protracted dispute about whether Pogge's core duty is positive or negative is, I suggest, that there is insufficient clarity as to what the duty substantively consists in. That core duty is certainly not simple. It is a duty 'not to collaborate in upholding an institutional order that avoidably restricts the freedom of some so as to render their access to basic necessities insecure without compensating by protecting its victims or working for its reform.'ⁱ Given that complexity alone, one can foresee difficulties for any attempt to say it is incontrovertibly negative or positive. Once one seeks to unpack the complex duty so as to understand how it might actually be applied, one is brought to

appreciate the scope for some amendment of Pogge's conceptual framework. In particular, issues about the substance of the duties in question arise in relation to the nature of the 'cooperation' we are bid refrain from and the 'compensation' we are complicit in owing.

Pogge's core idea, or so I shall maintain, is that the rich are *in debt* to the poor. To put it this way is to give the core duty a simple clarity. The most appropriate way to conceive this debt, I shall argue, is as an *ecological debt*. This is an unusual conception for political theorists, and its origins are in campaigning rather than academic circles. Nonetheless, and building on a suggestion I made in an earlier discussion of Pogge's work, I shall show how this conception can actually be of great assistance in firming up the conceptual framework of Pogge's engaged project in political theory. Ecological debt, I shall argue, is not just a special issue or set of special issues, but is in fact the very essence of the question of global justice. It captures just the issues Pogge seeks to capture, as well as more besides, and allows the debate to be settled about whether the core duty Pogge describes is 'positive' or 'negative'. Ecological debt can in fact be construed to entail a negative duty - a simple and clear one.

1. Pogge's 'negative duty': some puzzles and problems

Given that my ultimate aim is to make a friendly amendment to Pogge's argument, and one which will, moreover, vindicate the claim that our core duty towards the poor has a negative tenor, I should begin by acknowledging concerns - as articulated by Henry Shue, for instance - about whether the distinction between negative and positive duties is clear and significant at all.ⁱⁱ

The problem is not that no such distinction can be drawn but, rather, that several different ones can. For the purposes of assessing Pogge's argument, there are two in

particular that we need to differentiate. On one, a positive duty is distinguished from a negative duty on the basis that the former necessitates an act and the latter an omission: positive duties require their bearer to *do* something and negative duties require her to *refrain* from doing something. Attempting to apply this distinction to duties relevant to human rights runs up against familiar difficulties, including those highlighted by Shue. There is another familiar way of characterising duties as ‘negative’, however. Here the primary consideration is not the avoidance of an action, but the avoidance of doing harm (and the positive counterpart would be ‘do some good’). The injunction ‘do not harm’ could be understood in a sufficiently robust way to be immune to a lot of issues arising from any attempt to distinguish an act from an omission. ‘Do not harm’ might typically require one to refrain from a particular course of action (‘do not act so as to cause harm’), but the injunction need not preclude a reasonable proscription on some foreseeably harmful omission (‘so act as to avoid causing harm’). Thus a duty to avoid causing harm can sometimes entail a requirement to act. If that is true in the case of individuals, it is *a fortiori* true for duties of a more social kind and duties, in particular, of a state. If a state seeks to ensure its citizens are not subject to harm, it has to act: if it does not act, it cannot discharge any duty. Hence, quite generally, if we are thinking of a negative duty ‘not to harm’ in an institutional context, this can imply, to paraphrase Shue, duties to avoid harm, to protect from harm, and to provide assistance to those who have nonetheless suffered harm. Some of these duties will be positive, not negative, in the ‘not act’ sense.

When talking about duties in terms of negative and positive, then, it is important to be clear if one intends the ‘not act’ or ‘not harm’ (or some other) sense of negative. Otherwise equivocation can slip in. In the present context, it suffices to note that for Pogge the concern

is the avoidance of harm. This is expressly mentioned in every reference he makes to what he presents as the core negative duty.

A question that does arise then is whether this is the same sense of 'negative' as is appealed to by the libertarians whose normative premises Pogge is claiming to share. Certainly, a connection can be drawn. The libertarian view (like the classic liberal one) is that coercion is unjustified and wrong except where it is applied to prevent (or rectify) (certain kinds of) harm. (The harms are specified by reference, typically, to a list of human rights - which, for libertarians, will be a quite short list.) Therefore people should never be required (by law, which is backed by coercive sanctions) to do - or to *refrain* from doing (since libertarians have no more enthusiasm for being forbidden doing things (by negative duties) than they do for being bidden (by positive duties) - anything except what would do harm to the legitimate interests of others. Thus they do acknowledge (negative) duties not to harm the legitimate interests of others. And while they do not acknowledge positive duties to act so as to do good, they do acknowledge duties to act if these derive from the negative duty - e.g., to repay debts.

So the issue as I have highlighted it is not that no such distinction between positive and negative duties can be drawn, but, rather, that different - and mutually inconsistent - ones can. One question, then, is how consistently the distinction is deployed by Pogge.

Pogge argues that we have a negative duty 'not to collaborate in upholding a coercive institutional order that avoidably restricts the freedom of some so as to render their access to basic necessities insecure without compensating by protecting its victims or working for its reform.'ⁱⁱⁱ However, numerous readers have queried this as a characterisation of a *negative* duty. Not to uphold an unjust institutional order, they point out, implies that, unless you

refrain from being part of any institutional order at all (something that is neither feasible nor advocated by Pogge^{iv}), you have a duty to uphold one that is not unjust. That would appear to be a positive duty. Therefore his suggestion that it is a negative duty is mistaken.

Now Pogge might have responded to this objection by pointing out that he understands 'negative' in the 'not harm' sense rather than in the 'not act' sense. This reply might have sufficed to meet the objection, since the requirement of not harming can sometimes require taking positive action - such as upholding a just institutional order - to avoid perpetrating the harm. If Pogge has not offered this simple reply, the reason, I take it, is that the duty is *not* straightforwardly a duty not to harm either; for the harm is happening and will continue. But he thinks it can be compensated for. The fundamental duty to avoid harming, in this context, issues in the more practical obligations of compensating for the harm and working to reform the institutional order which is implicated in the harm.

Thus Pogge has instead responded to the objection, with reference to the version of it advanced by Rowan Cruft,^v by insisting on a terminological distinction between *duties* and *obligations*:

'Duties are morally fundamental and apply to us always. Some are *generative* duties - that is, duties that, in conjunction with appropriate empirical circumstances, create more specific moral reasons for action: *obligations*. ... A negative duty not to make and then break a promise may, in conjunction with a promise to repay some loan, generate a positive repayment obligation.'^{vi}

Thus, he claims, his own core duty is a negative one which generates positive obligations to make compensating protection and reform efforts for those whose human rights remain unfulfilled under the institutional order in question.

The first thing to notice about this defence is that it construes the contractual duty as a negative one in the ‘not act’ sense of negative rather than the ‘not harm’ sense. After all, fulfilling a promise can sometimes cause harm, and breaking one can sometimes prevent harm. The next is that construing the contractual duty as negative in the ‘not act’ sense appears somewhat arbitrary. Pogge speaks of a ‘negative duty not to break a contract’, but why should one not speak instead of a positive duty to perform in accordance with the contract? Surely the basic principle of honouring contracts - *pacta sunt servanda* - implies, indifferently, the injunctions ‘act so as to honour it’ and ‘do not act so as to break it’? Does Pogge think a duty not to break a contract is in some sense a different one or additive to the duty to perform in accordance with a contract? If he could take such a seemingly selective view in this case, it would hardly be surprising that he has failed to carry his critics with him so as to view the non-cooperation duty as negative either. After all, in his very statement of the duty, the positive obligatory elements of compensation and reform are in any case built in to its definition: Pogge at no point claims the duty is ‘not to collaborate’ *tout court*.

The considerable attention Pogge pays to the positive/negative distinction comes at the expense, it seems to me, of an adequate substantive explication of the duty. Whether it is supposed to be only a ‘not harm’ duty but also a ‘not act’ duty is only an incidental part of the real problem.

The contours of the problem are revealed just by examining the statement of the duty. Certainly the core duty he wants to establish is stated in rather programmatic terms (which very fact, incidentally, makes it an unpromising candidate for being purely negative). It is also stated in quite a convoluted fashion for a duty that is supposed to be a fundamental - generative - one. By this I mean the basic statement, in its various versions, always comprises several elements:

not to collaborate/cooperate
in upholding/imposing
a coercive institutional order
that avoidably
leaves human rights unfulfilled
(or avoidably
restricts the freedom of some so as to render their access to
basic necessities insecure)
without compensating
by protecting its victims
(or making reasonable efforts to aid its victims)
or working for its reform.

Before even beginning to interpret the various subclauses there are five salient verbs in the simplest statement of the duty that Pogge ever gives, and they do not all have the same implicit subject. The duty as initially broached is decisively negative in form: ‘do not collaborate/cooperate’; but by the time its terms are fully stated the duty is no longer clearly or simply negative in either the ‘not act’ sense (since it involves reform efforts) or the ‘not harm’ sense (since it *allows* harm subject to compensation). Indeed, although Pogge has suggested that the negative duty generates positive obligations which in some sense are derivative, in fact the positive obligations are built into, and are inextricable from, the definitive statement of the duty.

One might even suggest that far from being derivative obligations, the two positive obligations are actually *alternatives* to the duty not to collaborate. For although they are phrased as qualifiers of the main duty, the compensation and reform clauses could reasonably

be read as alternative duties - since the duty not to collaborate is suspended as long as one instead compensates or works for reform of the institutional order. This suggestion implies a serious problem for Pogge's attempt to portray the duty as both negative and stringent.

2. Compensation: derivative obligation or alternative duty?

The reading of compensation or reform as *alternative* duties would be blocked if the main duty - 'do not collaborate in upholding an unjust order' - were so understood as to imply the corollary 'do instead collaborate in upholding a just order'. For then reform and compensation would be part and parcel of the duty, not modifications of it, let alone alternatives. And as was noted in the previous section, many people think that the (negative) duty not to uphold an unjust institutional order does indeed imply a (positive) duty to uphold a just one. Because Pogge is so concerned to resist this implication he needs to be able to say how one can withhold collaboration in the injustice of the existing institutional order without having a (positive) duty to radically transform it - i.e. so that it stops causing harm altogether.^{vii}

Pogge articulates the somewhat awkward position that although the basic negative duty is a form of duty not to harm, the existing institutional order does do harm, and since the duty is not to create a whole new non-harming order, the solution is to require that harm be compensated for. The compensation, at least, can have the same justification as the duty not to harm - or so Pogge wants to maintain. This, however, is a matter of dispute.

'Each of us can avoid harming others', Pogge writes, 'by making compensating protection and reform efforts for the victims of the injustice to which we are also contributing.'^{viii} Yet it is a curious idea that we can avoid harming by compensating. Compensation is due for harm done; avoiding harming means avoiding the occasion for

requiring compensation. It would seem to be a conceptual impossibility to avoid harm by compensation.

The case for compensation, I believe, is not in fact cogently integrated into Pogge's normative conceptual framework. Compensation is due to the poor, on Pogge's account, because they have been deprived of secure access to the basic necessities of life. This I do not quarrel with. The question then is, if compensation is due, *who is it due from?* Pogge's answer is that it is due from the affluent. This I also do not directly quarrel with. Where the problem with Pogge's account lies is in the reason *why* it is due from the affluent.

One reason - although not the one Pogge foregrounds - would be that the affluent have the wherewithal, the *ability*, to pay. Pogge makes pragmatic use of this reason when emphasising how little it would cost to alleviate world poverty, but it is not the main focus of his theoretical efforts. The weakness of this reason for Pogge's purposes is that the payment is not in any strong sense *due* from the affluent on this basis. If the affluent feel they ought to pay just because they can, this amounts to acknowledging 'merely' a positive duty of assistance.

If the requirement of compensation arises, by contrast, as part of a negative duty, as Pogge is claiming in the present case, then it must be due from the bearer(s) of that negative duty, from those, in other words, who have *caused* the deprivation. But establishing a duty on this basis puts considerable weight on the attribution of causation. Without a full causal account, the agent(s) of deprivation cannot be identified with accuracy or confidence. Yet Pogge leaves the causes largely unspecified. He speaks of the *effects* of shared institutions and the *effects* of a common and violent history but without explicitly referring to a full causal account of *how* these effects are produced. Pogge does note certain contributory practices - such as the international borrowing and resources privileges and unfair trade rules

- but I do not think these can be considered to amount to a full causal explanation even of how the harm is occurring, let alone of identifiable contributions to maintaining it. So although Pogge might have attempted the critical route of trying to establish empirical causation in the requisitely strong and determinate sense, he has not. For Pogge it suffices (for the compensation to be due) that the global institutional order has these *effects* - foreseeably and avoidably. The foreseeability criterion is satisfied simply by its being the case that the current effects will continue if no change is introduced; the avoidability criterion - as will be discussed further in the next section - can be satisfied for Pogge without recourse to a full account of causation. The limited causal account he does offer is of a structural kind. So while it may indeed be that the institutional order which supplies this structure can be said to promote effects that warrant compensation, this leaves the question of the relation of agents, that is, of the bearers of putative duties, to that structure and those institutions. Pogge says we, the affluent, *are implicated* in shaping and enforcing the social institutions that produce these deprivations. But, as ever, Pogge is careful in choosing his words here: 'implicated' is a less precise term than '(causally) responsible for'. To cash out the implication, if not a full causal explanation, then at least some evidence would be required. What is the nature of the evidence?

On this question, which is crucial for determining who compensation is due from, if it is not due purely on the basis of ability to pay, Pogge says the only thing which I think it is possible for one to say in the absence of any account establishing strong causation of agents. This is that those who *benefit* from the structure of institutions have the duty. If the causation is 'structural', then the causal role of agents will always be largely indeterminable (and hence remain a mere 'implication' at most). What can be seen more readily, without being detained by an attempted investigation of precise causal relationships, is that a large number of agents

- the affluent of the world - draw *benefits* in virtue of that institutional order. So there is a *prima facie* case for saying that compensation or recompense to the losers should be provided by these beneficiaries.

Yet Pogge does not unequivocally embrace this view. He presents the fact that we benefit as an *additional* or *strengthening* reason for our compensatory duties. He does not present it as a self-standing source of duty. It is only wrong to benefit, he argues, if we do not also compensate for doing so. But he does not unequivocally say we must compensate *because* we benefit. Perhaps the reason Pogge cannot simply embrace the ‘beneficiary pays principle’ (BPP), as I shall call it, is that this principle, considered in and of itself as a sufficient or stand-alone principle, implies a duty to pay which is positive, not negative. It is not negative in either the ‘not harm’ or ‘not act’ sense: for the beneficiary may not have caused the harm and therefore not contravened a negative duty not to harm; and to ask the beneficiary to pay is to ask her not to stop doing something, but to start doing something, *viz.*, *pay* (e.g. into a fund set up to assist).

If the BPP is not accepted as a stand-alone principle, however, it cannot add any weight to the application of a different principle. This is a point that Norbert Anwander has made in criticism of Pogge, and although Pogge has developed a detailed response, I think the criticism stands.^{ix} Anwander takes the unexceptional view that if someone incurs a wrongful loss from which nobody benefits they are in principle owed compensation exactly as if somebody did benefit. The amount of compensation due is properly calculated by reference to the loss or harm suffered. He disagrees with Pogge’s view that if someone benefits from causing the loss then they owe *greater compensation* to the victim than if they had not benefited. I think Anwander is correct here. There is no reason to assume that a taker who

benefits does greater harm to the victim - simply in virtue of benefiting - than one who does not; so if compensation is for harm, no greater compensation is due.^x Of course, if as a consequence of the benefit the victim suffers some further disadvantage, then this harm constitutes a *further* injustice. This further injustice will require rectification, but in its own right, not as an inflation of the original compensatory duty.

One practical reason to insist on this point is that the benefit may actually accrue to someone who was not in any way causally responsible for the original deprivation. The beneficiary in this case has not contravened the negative duty not to harm. Any duty of compensation this beneficiary may have, therefore, is not a consequence of a breach of any negative duty on their part.

The question then is what duty does the beneficiary have? The only relevant negative duty would be to 'stop benefiting'. But Pogge does not think it is realistic to invoke that duty. In fact, he does not even believe it is wrong to benefit. He says it is only wrong to benefit *without compensating*. But that way of construing matters brings us back to the point we previously reached, that - in the absence of a strong causal account - we could only conceive of compensating being due on the basis of benefiting. Yet why would anything be due from the beneficiary if benefiting is *not wrong*? If the benefiting is not wrong, and causation has not been adequately determined, on what basis can the claim of a requirement of compensation rest other than that of a positive duty to assist?

Something has to give, if Pogge's position is to be maintained. If we simply say beneficiaries should fund recompense for the poor, it is, for Pogge, saying they have a positive duty, and that is not what he wants to say. However, I think that is exactly what we do have to say - *unless we are ready and able to offer an explanation of how beneficiaries, directly in virtue of benefiting, are in fact doing harm.*

I shall return to this proposal. Meanwhile, I suggest the problem with Pogge's view on this score is that he seeks to use the BPP to bolster the negative duty not to uphold the structural causes of injustice, but without maintaining that benefiting in itself is unjust. This means he cannot ground a satisfactory account of compensation.

That leaves the obligation to make reform efforts, albeit without radically transforming the institutional order.

3. Can modest reform eradicate global poverty?

The obligation to work to reform the unjust global institutional order is the other main obligation Pogge presents as the way of not collaborating in imposing it. Again, there is some awkwardness in the way this obligation is conceived. The first point I shall make - a relatively minor one - is that once more this seems to be an alternative to, rather than a derivation of, the headline duty 'not to collaborate', since it cannot literally be a requirement on 'us' to stop collaborating in imposing it. The next and more crucial point, however, is that in order to operationalise the headline duty as a negative duty not to harm, a causal account of harm is required. This, Pogge does not offer. His position is therefore vulnerable to attack for its failure to do so, and lacks resources to strongly counter conflicting causal accounts that maintain the global order does not cause poverty or therefore harm. Such problems, I argue, would not arise if Pogge just allowed and fastened on the point that the beneficiaries of the global order are, *in virtue of benefiting*, doing harm. This conception even flows from his own argument about uncompensated exclusion, as I shall go on to show in the next section. But to appreciate that, certain assumptions that he shares with his critics, at least with those who take the general line of Mathias Risse, need to be called into question.

First, though, some brief remarks about why the obligation to work for reform of the global institutional order ought to be seen as an alternative to, rather than fulfilment of, the headline duty not to impose an unjust institutional order. I shall not be resting any particular weight on this argument, but it will serve to introduce some substantive issues that merit further investigation. What this obligation requires is somewhat unclear even as a very general prescription. Pogge's core negative duty starts with the idea that 'we' are 'imposing' that institutional order. This, I would suggest, is either false or else too indeterminate in meaning to admit of testing for truth or falsity. It is false if 'we' refers to all the affluent people, and if 'imposing' is interpreted in any sense implying agency. Pogge never really suggests *how* 'we' are supposed to be doing it, and although he has a few suggestions as to how we might (in part) stop, these seem to be precisely stopping benefiting rather than stopping imposing. 'Imposing' is a strong term implying not only agency, but also will and *power*. I think it is far-fetched to suggest affluent citizens are really imposing - in that strong sense - an institutional order. This is something which is beyond citizens' political power even in the domestic, let alone the international, sphere. Pogge draws inspiring lessons from 18th century Manchester protests against slavery about how citizens might petition those with power to stop imposing an unjust order. But even allowing that such lessons are as transferable to the current global arena as Pogge implies - which is, of course, debatable - the two cases are not comparable in the respect that whereas the one relates to a clear, simple and negative duty, the other does not. The duty the protestors sought to have fulfilled was a clear and conceptually simple negative one: not to engage in slavery. It was beyond dispute that the state supported slavery and that it should stop. The fact that the negative duty implied the positive corollary 'so organise your economy that it is not dependent on slave labour' does not substantially undermine its essentially negative tenor. Regarding the case of the current

global economy and the harms it may inflict, however, no comparably clear and simple account of exploitation and oppression is given by Pogge. There is more indeterminacy in the fundamental duty itself than Pogge seems to allow by maintaining it is a negative one. The negative duty not to impose a harmful institutional order on the global poor is a duty that can only be fulfilled through changes internal to the global institutional order. The derivative positive obligation on agents is to *reform* that order. To fulfil that obligation, and even to understand what acts or practices its discharge requires, an adequate understanding on the part of agents is required about how the institutional order functions. A causal account therefore seems to be required if we are to specify how the institutional order is inflicting harms that it should stop inflicting, or if we are to understand how we can work to reform it in that direction.

This is a point picked up by Mathias Risse.^{xi} He observes that Pogge needs to be able to draw on such an account in order to substantiate his claim that the global order is unjust; he notes that Pogge assumes rather than shows that one is available; Risse is sceptical about whether one really is available; and he offers some reasons why he thinks such an account may actually be ruled out. In what follows I shall briefly say why I think Risse is correct on the first two counts and thus presents a challenge that Pogge ought to meet. I shall then show that Risse is inconsistently sceptical in ruling out the possibility of the needed explanatory account of the global order that would support criticism of it as fundamentally unjust. This is not straightforwardly to defend Pogge, however, for we have then to draw the consequences of sustaining the first two criticisms of his position, which show that Pogge has a challenge to meet. For once we recognize that any attempt to talk about global institutional reform as a *negative* duty requires an explanatory causal account of what harm it is positively inflicting and how, we are obliged to recognize that there is a burden of proof. Risse rightly says Pogge

avoids taking this on; but although Risse has insufficient reason to suppose it cannot be discharged, Pogge chooses to minimize his differences from Risse. I shall argue that in fact they should be magnified. The argument I then go on to develop can be mounted from within Pogge's position, and what I propose is a friendly amendment - one which I think yields an account of our duty to the global poor which follows with a more thorough-going consistency from his own core argument.

There can only be an effective negative duty to avoid harming if avoiding harming is possible. For Pogge, the possibility of avoiding the harms currently caused by the existing institutional order rests on the existence of a feasible institutional alternative. The feasible institutional alternative is specified by Pogge as one that includes a modest redistributive fund (financed by his 'global resources dividend'^{xii}). Risse comments of this:

'Pogge seems to think 'feasibility' is primarily a matter of allocating money to developing countries, money that could and should be provided by rich countries. He calculates that it would just take 1.2% of the income of the rich economies, \$312 billion annually, to bridge the aggregate shortfall of those living on less than \$1 per day from the \$2 line.'^{xiii}

Risse does not think this is an adequate account of feasibility. The alternative order has not simply to be feasible in Pogge's thin sense of being achievable through a modest alteration of starting conditions, but also feasible *as an alternative institutional order*. Simply making funds available is not a sufficient condition for the alternative institutional order (in which extreme poverty is eradicated) to be feasible, Risse argues, since actual institutional improvements are required. The point Risse emphasises is that not only are good institutions

needed for the distribution of aid, but that ‘in general *sustainable* measures for *enduring* changes require good institutions.’^{xiv}

‘It is not the case that a blueprint for eradicating poverty has long been available, but remained unused for lack of willingness to take the necessary steps – and thus in particular not for lack of willingness to spend the required money. Moreover, development economics, the social-science discipline concerned with understanding what it takes to improve the situation of the poor, is a field with substantial disagreements.’^{xv}

So we cannot assume that the provision of funds would be sufficient for bringing about an institutional alternative, nor even that the required institutional changes in developing countries (regardless of who would actually have the power to bring them about) are a matter of the straightforward implementation of a well-understood vision. Risse accordingly criticises Pogge’s characterization of a *feasible alternative institutional order* because it ‘does not entail a view about specific mechanisms through which the global order relegates developing countries to an inferior status’. A theory that does make claims about such mechanisms, Risse notes, is dependency theory,

‘which argues that poor countries at the ‘periphery’ of the world economy cannot develop as long as they are [in thrall] to the rich nations at its ‘centre,’ because (as at least one of its versions has it) prices of primary commodities (their main export articles) are bound to fall relative to manufactured goods. Such a view comes with a heavy burden of proof – a burden Pogge avoids to take on by not making any claims about specific mechanisms.’^{xvi}

I think Risse is right to press this issue against Pogge. For if the aim is to *eradicate* poverty it means more even than lifting the currently poor from their abject condition - it means getting to the *root* of the problem so as to address its conditions. It therefore seems to me that Risse’s challenge has to be met. If the obligation to work for institutional reform

flows from a negative duty not to harm, then the applicability of the negative duty itself presupposes that the existing institutional order is *causing harm*. Yet Pogge refers only to *effects* rather than *causes*. If the injustice or otherwise of the effects depends on how they were caused, Pogge's position is vulnerable to the contrary assertion of someone like Risse that we have no grounds for saying they are unjust. According to Risse, '[t]he global order is not fundamentally unjust; instead, it is *incompletely* just, and it should be credited with the great advances it has brought.'^{xvii} Risse notes that a smaller percentage of people worldwide are poor today than at any other time in human history. The fact that this relatively small percentage represents a billion or more people in absolute terms is a symptom, then, of *incomplete* justice. Pogge, I find it noteworthy, is actually prepared to endorse Risse's view that our present global order is merely *imperfectly developed*: 'Minor redesigns of a few critical features would suffice to avoid most of the severe poverty we are witnessing today.'^{xviii} And what, one might ask, about *tomorrow*? This is a question that neither Risse nor Pogge really addresses. Yet if the affluent are already utilising the earth's resources at four times the sustainable rate, how can the rest of humanity continue to become more affluent - without ecological and geopolitically induced catastrophe - if merely a few minor redesigns are made?

This question - which many of us would regard as being of absolutely critical importance at the current juncture in human history - is effectively ruled out as of little significance by Risse. Pogge, for his part, appears to be willing to play down its significance in the face of Risse's objections. He appears to share the archetypal liberal assumption that human ingenuity is such that, if combined with morally-informed political good will, problems of resource scarcity can be overcome by technological adjustments. Yet, against the view of Pogge and Risse that an imperfectly developed global economy requires modest

reform into something more perfect there is a case for saying that the whole trajectory of development is imperfect in a much more radical sense - that of moving, in certain respects, in a direction contrary to perfection. The view that the world can continue 'developing' until everyone is affluent depends on a faith in boundless human ingenuity rather than a dispassionate appraisal of what the evidence suggests, particularly with regard to ecological constraints.

Since Pogge himself does accord a significance to the command of resources, including natural resources, that Risse denies, I think he could and should offer a more robust response to Risse on this issue.

4. The significance of resources for wealth and justice

In characterising the harm done by the global institutional order to the poor, Pogge foregrounds the point that '[t]he better-off enjoy significant advantages in the use of a single natural resource base from whose benefits the worse-off are largely, and without compensation, excluded.'^{xix} Risse is sceptical about the significance of this point. For Risse, the causes of poverty are conceived in terms of an absence of the causes of wealth. Risse, despite entering certain formal caveats, essentially endorses the view that *institutions* supply the necessary and, for all intents and purposes, sufficient conditions for wealth creation. Certainly, he gives short shrift to the suggestion that wealth is generated through the command of resources. Risse emphasises how Pogge overlooks the tremendous benefits generated by the modern global economy, and he seeks to give credit to the global institutional order that supports it. He says there is no way of running a counterfactual history to demonstrate that the global poor would have been better off in the absence of this global institutional order. There is no ground therefore for saying it is *fundamentally* unjust.

If it is admittedly *imperfectly* just, this means simply that the institutions must be further improved. It would be a mistake to think that simply transferring resources would make it more just. Risse indeed questions whether even in principle a diminution of global resource inequalities would be required by justice.

On the first point, Risse is of course correct in holding that we cannot determine causes by comparing what has actually happened with hypotheses about what might have happened in a counterfactual historical scenario. If we can only seek to understand what *has* happened, then what appears in advance of any explanatory theory, is simply a concatenation of occurrences. If this obliges us to be sceptical about the causes Pogge assumes to be operating, it should make us no less cautious about alternatives. In plumping for an account which gives primacy to the causal importance of institutions, Risse can appeal to some evidence. Yet this evidence really only suggests that institutions have a *necessary* role, not that they have decisive causal primacy, much less that they are in any sense *sufficient*. Certainly, the historical record looks to be consistent with a contrary view. It is the more affluent societies that have tended to establish well-ordered liberal regimes; it is the poorer societies that tend to be riven with conflict and governed by inadequate or corrupt regimes. Good order may secure affluence, and it may provide some of the conditions necessary for ratcheting it up, but that observation is consistent with it being the case that at each stage in the historical process some prior accumulation of capital provides the support for the institutional consolidation. So if wealth does not cause good institutions, this does not mean that good institutions cause wealth. To maintain either of these rarefied theses in abstraction from the other would, I suggest, be rather absurd.

So to say resources are not sufficient for wealth, good order and justice is not to deny them any necessary part in achieving those ends; nor is it to imply that some other variable, such as good institutions, could be sufficient.

However, Risse has a further objection against taking justice to require redistributive transfers of resources internationally which would apply even if we merely assume resources are insufficient, not unnecessary, for wealth. The basis for a redistributive duty that Pogge especially highlights is the uncompensated exclusion from use of natural resources:

‘The better-off enjoy significant advantages in the use of a single natural resource base from whose benefits the worse-off are largely, and without compensation, excluded.’^{xx}

Risse points out that an argument for redistribution based on this consideration presupposes a commitment to an egalitarian right to natural resources. He then notes that this commitment ‘gains its plausibility from the idea that there is a (figurative) heap of natural resources to which each human being has an equal claim.’ In evaluating this he draws attention to two salient points:

‘First, ... strictly speaking raw materials become *resources*, and thus obtain market value in virtue of their usefulness for human activities, only through activities that require a social context: crude oil, say, became important only after the invention of the motor engine. Second, unlike biblical manna, resources require work to become ‘available’: oil must be extracted and refined, minerals must be mined, etc. These two features capture special entitlements to resources, and while they may not entail much, they do entail that it is not the case that any two individuals are equally situated with regard to all resources.’^{xxi}

These are points I too have highlighted in a previous discussion.^{xxii} I fully accept with Risse that materials become resources (hence something of value) through being developed, in

activities that require social contexts, contexts in which *not* all human beings participate equally. However, I think he is rather too swift in concluding that we cannot think of the claims to them as being egalitarian. In noticing the justification of inequalities in favour of those who valorise natural resources, Risse notices only half the story. Resources are made available - or, to put the point in other terms as I have proposed, the aggregate available ecological space can be marginally increased - through socio-economic practices. But resources, or amounts of ecological space, can also be made *unavailable* through socio-economic practices. A key point is that there is a significant difference between generating inequalities by adding value to one's just portion of ecological space and annexing more than one's just portion of ecological space. The normative logic of Risse's position is that the world's bounty is up for grabs by whoever has the skill and industriousness to make use of it, without any accompanying constraint of 'leaving enough and as good for others'. Such a position would seem to be unjustifiable, even on a libertarian conception of justice.

I therefore do not think Risse can sustain his charge against Pogge that there is no case of justice to rectify a distribution of resources which leaves swathes of humanity without adequate access to them.

At this point I would turn to Pogge, however, to propose that there is a stronger case for applying distributive justice to natural resources than he seeks to make, either in his original argument or in his responses to Risse.

5. A friendly amendment: framing the issue as one of ecological debt

From an ecological perspective, the affluent can be regarded as having a *debt* towards the global poor. The world has finite resources (even if, as Risse notes, some have yet to be identified); for everyone to utilise resources at the rate the affluent currently do would require

two or three additional Planet Earth's; there is only one Planet Earth (and no reason to suppose the equivalent new resources will be discovered or developed on this one in the relevant timeframe); the situation is therefore that some are drawing resources at a rate that effectively deprives others (including the poor today and also future generations) of the opportunity to draw resources even at a rate sufficient to meet their basic human needs. Such inequalities of opportunities for resource use can be condemned as unjust without recourse to fully-fledged egalitarianism, even if their rectification would look strongly egalitarian by most liberal standards.

The situation, then, is indeed much as Pogge characterizes it:

‘The better-off enjoy significant advantages in the use of a single natural resource base from whose benefits the worse-off are largely, and without compensation, excluded.’^{xxiii}

The significant advantages enjoyed by the better off correspond to *disadvantages* of the worse-off. This is not a *completely* zero-sum game, since increases of ‘ecological productivity’ are possible, but it is near enough to one for us to recognize that in very significant measure the benefits enjoyed by the affluent are achieved at the expense of the poor having to forego benefits. To the extent that this is the case, then *drawing of benefits by the affluent is itself unjust*.

These benefits are drawn by using greater amounts of ecological space than the affluent have any justification for using. The fact of benefiting is what is causing the harm - the deprivation - that should be ended. It is not that we should think in terms of the affluent doing a harm and then incidentally benefiting from it (as in the terms of Pogge's debate with Anwander); it is rather that in the process of drawing benefits the affluent are doing the harm. Pogge says that in benefiting the affluent are not necessarily doing wrong, providing they compensate. Yet the appropriate compensation would be precisely to reduce the amount they

benefit; that excess benefit *is* unjust. Pogge says the affluent should not be condemned *simply* for benefiting, and I agree with this point to the extent that benefits often accrue as a result of actions and processes for which the beneficiary was not directly responsible. I would make a further point, however.

One can legitimately benefit from an asset, even when it is legitimately acquired, only on condition that one also assumes any liabilities that attach to it. This is a familiar idea: if you inherit an asset, and that asset is burdened with certain liabilities, the fact of your inheriting it does not suffice to erase those liabilities. One can in law inherit debts, and this reflects the sound normative principle that a creditor's legitimate interests should not be harmed simply in order that you can benefit from an inheritance to which you are not, in its entirety, entitled. You did not personally incur the debt, but once you accept the inheritance of the asset, you are bound also to accept the liability. Now we, the affluent, are benefiting from certain assets which we ourselves for the most part did not produce or accumulate. By 'inheriting' these, we have done no wrong. But we would be doing wrong if we failed to discharge any liabilities that might attend them, when corresponding to those liabilities are rights of creditors whose legitimate interests are at stake.

The global poor, I want to suggest, are in fact creditors and we have liabilities attached to the assets we enjoy.

This view does not differ dramatically from Pogge's, but it makes certain things explicit that to my mind are not clear enough in his. If we are to discharge our liabilities, we must 'share our benefits' with the worse-off. But what we need to recognize is - and here I challenge certain basic liberal assumptions Pogge appears to accept with Risse - that it cannot be a case of our continuing to draw additional benefits and then top-slicing a portion to

redistribute to the poor. *For we are already drawing the benefits of an excessive demand on natural resources.*

So I maintain, in contrast to Pogge, that we should apply the Beneficiary Pays Principle when assessing the justice or otherwise of the global institutional order and thinking about how it ought to be reformed.

Taking this approach, it seems to me, switches the explanatory burden about causes of wealth and poverty from Pogge back to Risse. For it cannot be said to rest on counterfactual historical speculation. Yet, it is consistent with the main thrust of Pogge's normative argument.

I have criticised Pogge for an over-readiness to defer to libertarians and to emphasise, even when it strains plausibility, that the duty he theorises is a 'negative' one. And yet, I conclude, a basic duty *can* be derived from libertarian premises; it *can* even be characterized as a negative one. We only need to pay heed to what the essential substance and rationale of that duty is - and revise Pogge's account where necessary.

If fundamental duties derive from, and are specified in terms of their relation to, human rights - and I accept with Pogge that they do and are - then let us consider what human rights are at issue here. The most salient and basic human right is that of (secure) access to the means of (a minimally decent human) life. Not to deprive human beings of this access is a primary duty, and a negative one.

Here, then we have a very simple, clear, robust and decisively negative duty: not to deprive any human being of access to the means of a minimally decent human life. This duty can be affirmed from a libertarian perspective. For assuming that perspective is grounded in Lockean political theory, then we note that in Locke's state of nature there is an important proviso limiting the private property claims that may be staked in nature's goods and

services. This is that enough and as good be left for others. This proviso is a necessary condition for the generalisability of justifications for private property ownership. Without acknowledgement of this proviso, the claims of a property owner in any natural resources would have the same legitimacy as those of a thief.

Now as I have argued elsewhere, that proviso is not only of relevance ‘once upon a (pre-modern) time’ or in a mythical state of nature. The basic means of a minimally decent human life include, crucially, biophysical necessities. These are furnished by nature - *now as ever*. Human activity can of course enhance the availability and usefulness of natural goods and services, but conventional liberal thought in general (perhaps in some other versions more so than libertarianism) tends to draw a confused conclusion from this fact. It rightly notes the fact that through effort and ingenuity one can enhance the use value of a bundle of natural resources; it draws the plausible normative corollary that if one is entitled to that initial bundle, then one is entitled to possession and enjoyment of the enhanced value. I make no quarrel with this, but simply emphasise that the normative conclusion rests on the condition: ‘*if* one is entitled to that initial bundle’.

The line of argument I am suggesting here is one that Robert Nozick drew attention to in order to show the apparent absurdity of seeking to preserve the Lockean proviso over historical time:

‘It is often said that this proviso once held but now no longer does. But there appears to be an argument for the conclusion that if the proviso no longer holds, then it cannot ever have held so as to yield permanent and inheritable property rights. Consider the first person Z for whom there is not enough and as good left to appropriate. The last person Y to appropriate left Z without his previous liberty to act on an object, and so worsened Z’s situation. So Y’s appropriation is not allowed under Locke’s proviso.

Therefore the next to last person X to appropriate left Y in a worse position, for X's act ended permissible appropriation. Therefore X's appropriation wasn't permissible.

... And so on back to the first appropriator A of a permanent property right.^{xxiv}

Now Nozick's 'zipper' argument could be viewed as a *reductio ad absurdum* which, if taken seriously, would mean nobody should ever appropriate or develop any part of nature for human purposes. Yet the argument should not simply be dismissed or sidestepped, as it reveals in simple terms the logic of a very real problem. Starting from the here and now, some are already far advanced down the path of development, while others are not. The logic of the zipper argument as well as historical evidence of colonialism and exploitation highlights the issue that those enjoying the benefits of development cannot claim the advantages they have inherited are entirely justified.

Taking the perspective of ecological space means treating the question of 'initial appropriation' not merely as a matter of past history (real or putative) but as an ongoing process.

Each is entitled to a share of ecological space such as leaves 'enough and as good' to others. My basic point has been that while the industrious and ingenious may be entitled to whatever extra benefits they might draw through more efficient use of their entitlement of ecological space, no one can ever be entitled to benefits drawn from the use of ecological space that they are not entitled to. That excess use amounts to ecological debt.

The affluent are using excess ecological space; they are therefore ecological debtors. They have a 'negative duty' not to run up an ecological debt. They have a counterpart duty to repay it - by ceasing overdrawn and starting underdrawing. Meanwhile they have a duty to recompense those who have been deprived access to the ecological space that they have been drawing benefit from.

This, then, in very simple terms, is the normative view I take of what we owe to the global poor. There is nothing here that runs counter to Pogge's spirit and intention. It just seems to me a simpler and possibly more elegant account which is less liable to provoke the kinds of queries his own has provoked.

6. Conclusion

There are several potential advantages for Pogge's project in framing global injustice in terms of ecological debt. This way of conceiving matters entails a duty of individuals and also of any institutional order not to exceed their equitable use of ecological space; this entails obligations of individuals and institutions to work to reduce any excess of their 'ecological footprint'.

This duty is robust in justification and potentially in application too. Regarding its justification, it cannot be consistently denied by any libertarian whose thinking is premised on Locke because it is normatively equivalent to the very proviso that gets the Lockean justification off the ground. From the perspective of ecological debt, the duty can be construed as 'do not contravene the Lockean proviso'. This depends on seeing all our economic activity in terms of ongoing 'initial appropriation', but that is exactly how it should be seen when we take an ecological perspective on it.

The duty is potentially robust in application, being perhaps more readily 'cashed out' in terms of concrete obligations than Pogge's duty, applying as it can to individuals, firms, localities, states, and any group of people. It arguably can harness more directly the knowledge and motivation of individuals: most individuals will not have a fine-tuned appreciation of the workings of global political economy, but they can appreciate the general idea of ecological footprints and actually use existing accounting tools to get a rough measure

of their own. For a rationally-consistent moral individual, this should suffice to motivate some response to the obligations of restraint thereby revealed.^{xxv} For more active citizens it will reinforce their efforts to influence those with power to reform the global trade rules etc. It can generate the obligations which Pogge himself mentions, and provide a clear rationale for those expected to discharge them.

The basic negative duty is not to take more than one's share of ecological space, since doing so harms the poor and also future generations. While not pretending that the methodology of calculating ecological space use is without problems and grounds for contestation, I nonetheless believe that it can serve to give a more definite idea of 'the extent to which we profit' than is possible on the more conventional liberal premises that Pogge accepts. It can do this by focusing on the effects of the global order, as Pogge does, without necessarily requiring a full causal explanation of how those effects are occurring, something for the lack of which Pogge has been criticised.

Finally, it has to be noted that for people accustomed to more conventional perspectives on questions of justice, the issue of ecological space use might at first seem something of a 'special issue'. With regard to this, I would simply throw down a challenge: try to think how ecological space use could be reduced and redistributed without calling into question every fundamental aspect of socio-economic justice. I would meanwhile claim that it is the least special, most general, problem of global justice.

ⁱ Thomas Pogge, *World Poverty and Human Rights*, (Cambridge and Malden, MA: Polity/Blackwell, 2002), 70.

ⁱⁱ Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, (Princeton University Press, 1980). (2nd edn., 1996, Princeton University Press).

ⁱⁱⁱ Pogge, *World Poverty and Human Rights*, 70.

^{iv} See e.g. Thomas Pogge, "Severe Poverty as a Violation of Negative Duties," *Ethics and International Affairs* 19, No.1 (2005): 60R.

^v Rowan Cruft, "Human Rights and Positive Duties," *Ethics and International Affairs* 19, No.1 (2005): 23-31.

^{vi} Thomas Pogge, "Severe Poverty," 68L-R.

^{vii} One response available to him would be that if 'ought implies can', and if the bearers of the duty cannot bring about such a radical change, then they should not be imputed a duty to do so. However this response is open to the rejoinder that Pogge's reform and compensation obligations are invoked precisely because we cannot, to the required extent, withhold collaboration in the unjust order either. So it is not the case that his headline duty is any more practicable as a purely negative one than as a more radical positive one. The problem stated therefore stands.

^{viii} Thomas Pogge, "Severe Poverty," 62L.

^{ix} Norbert Anwander, "Contributing and Benefiting: Two Grounds for Duties to the Victims of Injustice," *Ethics and International Affairs* 19, No.1 (2005): 39-45.

^x In case it be supposed that in contemplating the perpetrator's benefit, the victim thereby suffers more, one should consider also the contrary possibility that the victim suffers more from the wanton disposal of a good they valued than from seeing it 'at least put to some good use', as a compensatory thought. In saying this, however, I simply want to rule out the

relevance of arguments from psychological disposition in the context of the present discussion.

^{xi} Mathias Risse, "How Does the Global Order Harm the Poor?," *Philosophy and Public Affairs* 33, No.4 (2005): 349-376; Mathias Risse, "Do We Owe the Global Poor Assistance or Rectification?," *Ethics and International Affairs* 19, No.1 (2005): 9-18.

^{xii} See Pogge, *World Poverty and Human Rights*, chapter 8; also the critical discussion in Tim Hayward, "Thomas Pogge's Global Resources Dividend: a critique and an alternative," *Journal of Moral Philosophy* 2, No.3 (2005): 299-314.

^{xiii} Risse, "How Does the Global Order Harm the Poor?," 371.

^{xiv} Risse, "How Does the Global Order Harm the Poor?," 372.

^{xv} Risse, "How Does the Global Order Harm the Poor?," 374.

^{xvi} Risse, "How Does the Global Order Harm the Poor?," 367.

^{xvii} Risse, "Do We Owe the Global Poor Assistance or Rectification?," 10L.

^{xviii} Thomas Pogge, "Severe Poverty," 59L.

^{xix} Pogge, *World Poverty and Human Rights*, 202.

^{xx} Pogge, *World Poverty and Human Rights*, 202.

^{xxi} Risse, "How Does the Global Order Harm the Poor?," 361-2.

^{xxii} Tim Hayward, "Global Justice and the Distribution of Natural Resources," *Political Studies* 54, No.2 (2006): 349-369.

^{xxiii} Pogge, *World Poverty and Human Rights*, 202.

^{xxiv} Robert Nozick, "Distributive Justice," *Philosophy and Public Affairs* 3, No.1 (1973): 72.

^{xxv} This line of thought is amplified in Andrew Dobson, Andrew, "Thick Cosmopolitanism," *Political Studies* 54, No.1 (2006): 165-184.